



U. S. Department of Housing and Urban Development

Office of Public and Indian Housing
Office of Lead Hazard Control

Special Attention:
Directors, Offices of Public Housing;
Administrators, Offices of Native
American Programs; Public Housing
Agencies, Indian Housing Authorities and
Section 8 Housing Agencies, Tribes, and Tribally
Designated Housing Entities

Notice PIH 98-54 (HA)

Issued: November 5, 1998

Expires: November 30, 1999

Subject: Lead-Based Paint (LBP) Disclosure requirements for
Public and Indian Housing and Section 8 Rental
Programs

1. **Purpose.** The purpose of this Notice is to **remind** HUD field staff, public housing agencies, Indian housing authorities (HAs), Tribes, tribally designated entities and HAs administering Section 8 rental programs that any lease or sales contract for a pre-1978 unit shall not be approved or executed unless it includes a form containing the required disclosure of information on lead-based paint. This includes any lease or sales contract developed by a housing authority, private landlord, or other agent.
2. **Background.** 24 CFR Part 35 and 40 CFR Part 745, Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing was published as a Final Rule in the Federal Register on March 6, 1996 and took effect on September 6, 1996 for owners of more than four residential units and on December 6, 1996 for owners of one to four units. The regulation implements Section 1018 of the Housing and Community Development (HCD) Act of 1992. According to this regulation, virtually all residential property owners in the United States, including HUD program participants, that sell or lease pre-1978 dwelling units must take steps to provide lead-based paint disclosures.
3. **Requirements.** 24 CFR Part 35.92 requires housing authorities and/or owners participating in Section 8 rental programs to provide notification and disclosure information to new tenants or purchasers of pre-1978 units before they become obligated under the lease or sales contract or upon renewal or recertification of an existing lease (unless the lessor has previously disclosed the required information and

no new information has come into the possession of the housing authority).

The Department recommends that housing authorities and/or Section 8 owners use the attached sample Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards form which was provided in the March 6, 1996 final rule (see 24 CFR Part 35.92) and is attached again here for your information. Housing authorities and Section 8 owners may choose to include this information in the lease itself or on their own form which is attached to the lease or sales contract to satisfy this regulatory requirement. A copy of the disclosure form signed by the owner (which may be the housing authority) and the tenant or buyer must be attached to the lease and/or sales contract and retained for no less than three (3) years by the owner and the housing authority from the commencement of the lease and/or completion date of the sales contract.

Housing authorities shall not execute or approve a lease or sales contract for a pre-1978 unit unless it contains the disclosure of information on lead-based paint and/or lead-based paint hazards.

Please contact Carolyn Newton, Office of Lead Hazard Control, on (202) 755-1785 ext. 125, if you have questions concerning the information in this notice.

Attachment

/s/ Harold Lucas

Assistant Secretary for Public
and Indian Housing

/s/ David E. Jacobs

Director, Office of Lead
Hazard Control